

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

TOM and MICHELLE TEN EYCK,	)	Civ. No. 19-4007
GUARDIANS OF MORGAN TEN	)	
EYCK,	)	
Plaintiffs,	)	
	)	
vs.	)	<b>COMPLAINT</b>
	)	
UNITED STATES OF AMERICA,	)	
ROBERT NEUENFELDT, individually	)	
and UNKNOWN SUPERVISORY	)	
PERSONNEL OF THE UNITED	)	
STATES, individually,	)	
	)	
Defendants.	)	

COMES NOW, Plaintiffs, Tom Ten Eyck and Michelle Ten Eyck as Guardians of Morgan Ten Eyck, by and through their undersigned attorneys, and for this complaint against Defendants, alleges as follows:

**JURISDICTION**

1. Plaintiffs, Tom Ten Eyck and Michelle Ten Eyck, as guardians of Morgan Ten Eyck, are residents of Moody County, state of South Dakota.
2. Jurisdiction is proper pursuant to 28 U.S.C. §1346(b) and the Federal Tort Claims Act, 28 U.S.C. §2671, et seq., as amended and Pub.L.No. 103-138, Tit. III, § 308, Nov. 11, 1993, 107 Stat. 1416.
3. Jurisdiction is also proper pursuant to 42 U.S.C.A. §§ 1981, 1983, 1985 and 1988 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971), as well as under the United States Constitution, including its Fourth, Eighth and Fourteenth Amendments, and the Constitution of the State of South Dakota.

4. At all relevant times herein, the United States, by and through its Department of the Interior, Bureau of Indian Affairs, contracted with the Flandreau Santee Sioux Tribe and its Police Department pursuant to 25 U.S.C. 45f, et seq., Indian Self Determination Act, to provide law enforcement services on the Flandreau Santee Sioux Indian Reservation.

5. At all relevant times herein, the Flandreau Santee Sioux Tribe and its Police Department operated a police department on the Flandreau Santee Sioux Indian Reservation and employed numerous employees, who were performing functions under the contract entered into pursuant to 25 U.S.C. 450f, et seq, which renders said employees, United States Government employees.

6. At all relevant times herein, Defendant, Robert Neuenfeldt, was acting as Flandreau Chief of Police under the color of state and federal law, and in violation Plaintiffs' federally protected rights.

7. On or about April 27, 2018, Plaintiff submitted an Administrative Tort Claim in the amount of \$150,000,000, as required by 28 USC § 2675 to the United States Department of the Interior, Office of the Solicitor, 5600 American Boulevard West, Suite 270, Bloomington, Minnesota, 55437.

8. On December 3, 2018, the United States Department of the Interior denied Plaintiff's administration claim, thereby allowing this Complaint.

9. As to Defendant, United States, this action is timely pursuant to 28 U.S.C.A. §2401(b) in that it was presented to the appropriate agency within

two years of accrual, and this action was filed within six months of receipt of the certified letter sent by the United States Department of the Interior denying the claim.

10. Plaintiff further invokes this Court's pendent jurisdiction over any and all state law claims and causes of action that derive from the same nucleus of operative facts that give rise to the federally based claims and causes of action pursuant to 28 U.S.C.A. § 1367.

### **FACTS**

11. On June 18, 2017, Morgan Ten Eyck was a passenger in a vehicle driven by Tahlen Bourassa.

12. Also accompanying Mr. Bourassa was a gentleman named Micah Roemen.

13. In the early morning hours of June 18, 2017, the Flandreau Tribal Police Officers, along with the Moody County Deputy Sheriffs, the South Dakota Highway Patrol, and the City of Flandreau Police Department stopped a vehicle driven by Tahlen Bourassa.

14. Robert Neuenfeldt, Chief of Police for Flandreau Santee Sioux Tribe, threatened to take Bourassa to jail. Bourassa then fled.

15. Neuenfeldt and Logan Baldini, an uncertified deputy for Moody County Sheriff's Office, both got in Neuenfeldt's tribal police cruiser and initiated pursuit.

16. Sargent Kurtz, South Dakota Highway Patrol, was also initially involved in the pursuit.

17. It is believed that Tahlen Bourassa, Morgan Ten Eyck, and Micah Roemen had not committed any crimes to justify the pursuit.

18. At the time the Bourassa vehicle was stopped, Neuenfeldt, and the other officers at the scene, knew the identity of the driver, Tahlen Bourassa.

19. Neuenfeldt and the other officers at the scene, knew that Tahlen Bourassa was actively being monitored by the South Dakota Parole Board through a GPS ankle bracelet.

20. Notwithstanding that the officers knew specifically who was driving the vehicle, knew that there had been no violations of the law, and knew that two innocent passengers were in the vehicle, a high-speed pursuit took place for over thirty minutes reaching speeds in excess of 100 miles per hour on gravel roads.

21. On two occasions, spike strips were laid out without proper authorization.

22. Just prior to the accident, spike strips were laid out and a barricade of police cars forced Tahlen Bourassa to take a dead-end gravel road.

23. Defendants knew the dead-end road would result in an accident.

24. Prior to the catastrophic accident, which caused Claimant's life-threatening injuries, the South Dakota Highway Patrol aborted the pursuit.

25. It is believed that Neuenfeldt disregarded orders to terminate the pursuit.

26. Once the Highway Patrol terminated the pursuit, Neuenfeldt and Baldini continued the pursuit causing Bourassa's vehicle to lose control and roll several times throwing all three occupants from the vehicle.

27. All occupants suffered incapacitating injuries and were life flighted from the scene.

28. Morgan Ten Eyck was in a coma for weeks, and sustained a serious traumatic brain injury, a broken femur, and a severe injury to her liver.

29. As a result of the accident, Morgan Ten Eyck is completely incapacitated.

30. As a result of the accident, Plaintiffs have sustained thousands of dollars in medical bills for their daughter's care.

#### **COUNT I: NEGLIGENCE**

Plaintiffs reallege the information set forth in the paragraphs above and further allege:

31. Defendants owed a duty of care to Morgan Ten Eyck as an innocent bystander and passenger of the fleeing vehicle, and breached this duty by failing to follow mandatory pursuit policies, causing severe and permanent damages to Morgan Ten Eyck.

32. Defendants' numerous violations of the pursuit policies constitute reckless disregard for the safety of others.

33. Defendants failed to follow the mandatory pursuit policy in the following respects:

- a. It is determined a vehicle pursuit is a use of force. This use of force is confined to appropriate tribal jurisdiction. No pursuit can be initiated when it is outside their area of jurisdiction. In addition, the officer failed to reasonably believe that the suspect, if allowed to flee, presents potential danger to human life or may cause serious injury;
- b. In “ all areas of the jurisdiction,” officers are expected to end their involvement of pursuit whenever the risk of their own safety or safety of others outweigh the danger to the community if the suspect is not apprehended;
- c. It is mandatory that the officer in the primary unit notify the dispatch of five items. No such notification occurred;
- d. A secondary unit will be engaged to move into position and assume the communication responsibility;
- e. The secondary unit will coordinate the activities of other assessing units;
- f. The supervisor is ultimately responsible for terminating the pursuit or allowing it to continue;
- g. The supervisor will continually weigh the risk based on information being received from dispatch and the pursuing unit;
- h. The supervisor will immediately terminate the pursuit when the pursuit is not in compliance with the requirements of this section;

- i. Supervisors shall evaluate their actions based on the potential benefits of their actions outweigh the risks that are involved;
- j. Pursuits are limited to two police vehicles. Additional units may participate if directed by the supervisor or senior officer on duty;
- k. If the pursuit extends off roadway, assessment of the risk must be determined to decide whether to continue the pursuit;
- l. Officers in pursuit must have received approved IPA training in the use of BIA-OJS tire deflation devices;
- m. Because use of tire deflating devices is considered a roadblock, only the chief of police or a supervisor can authorize their use.  
The suspect must be a dangerous fleeing felon;
- n. Safety circumstances must be an important factor;
- o. Determination of the most suitable safest location must be made;
- p. Tire deflation device must never be used if you believe the location is unsafe;
- q. Tire deflation devices should never be deployed with pedestrians in the immediate vicinity;
- r. Only deploy a tire deflation device after you have identified a safe location to observe the pursuit;
- s. A pursuit may only be extended beyond the reservation line if the primary control of pursuit is relinquished as soon as practical to police personnel of entered jurisdiction (here the pursuit was never on tribal land);

- t. Officers must follow LE Handbook Section 2-24-02, authorization for pursuit when joining a pursuit initiated by another jurisdiction;
- u. OJS officers will discontinue pursuits initiated by another jurisdiction when pursuit continues outside their jurisdiction unless officer's safety becomes a consideration;
- v. High speed pursuits shall be limited to substantial crimes that require immediate action;
- w. High speed pursuits should not occur when the identity of the driver is known; and
- x. High speed pursuits should be ended whenever the risks to the safety of others outweigh the danger to the community if the suspect is not apprehended.

34. Defendants violated every requirement as set forth in paragraph 33 above.

35. Defendants' actions also violated the policies regarding the use of road blocks and spike strips.

36. The use of road blocks, and or spike strips, may only be used in the case of suspected fleeing felons whose escape poses a danger to life.

37. Tahlen Bourassa was not a fleeing felon whose escape posed a danger to life.

38. Defendants and the Bureau of Indian Affairs, an agency of the United States of America, acting by and through their servants and employees, all acting within the course and scope of their agency and employment with



Defendant, were negligent and reckless through numerous violations of their own pursuit policies.

39. If Defendant, United States, were a person, it would be liable in accordance with the laws of South Dakota and the Flandreau Santee Sioux Tribe.

40. As a direct legal result of Defendants' negligent, reckless, and willful and wanton disregard for the safety of Plaintiff, Morgan Ten Eyck sustained serious injuries and damages, which require substantial medical care and have resulted in permanent disability.

**COUNT II: 42 U.S.C.A. § 1983 (BIVENS ACTION)**

Plaintiffs reallege the information set forth in the paragraphs above and further allege:

41. This claim for relief is brought pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 288, 397, 91 S. Ct. 1999 29 L.Ed.2d 619 (1971), for violations of Plaintiffs' rights under the Fourth and Fifth Amendments of the United States Constitution when Defendant Neuenfeldt used excessive, unreasonable, and unwarranted force during the pursuit.

42. During all times herein, Defendant Neuenfeldt acted under color and pretense of federal statutes, ordinances, regulations, policies, practices, customs and uses of the United States of America.

43. On June 18, 2017, Plaintiff, Morgan Ten Eyck, had the right under the Fourth Amendment to be free from unreasonable searches and seizures of her person.

44. On June 18, 2017, Plaintiff, Morgan Ten Eyck, possessed the rights guaranteed by the Fifth Amendment to not be deprived of life and liberty without due process of law, including but not limited to, the right not to suffer physical harm from persons acting under the color of law that is intentionally or wantonly inflicted or which is accomplished with deliberate, reckless, or callous indifference to her constitutional rights.

45. On June 18, 2017, Plaintiff, Morgan Ten Eyck, had the rights guaranteed by the Equal Protection Clause and the Due Process Clause of the Fifth Amendment of the United States Constitution.

46. On June 18, 2017, Defendant Neuenfeldt, while acting under the color of federal law as a United States Employee, intentionally deprived Plaintiff, Morgan Ten Eyck, of her Fourth Amendment right to be free from unreasonable seizures by subjecting her to excessive force during the pursuit.

47. On June 18, 2017, Defendant Neuenfeldt, while acting under color of federal law as a United States Federal Employee, intentionally violated Plaintiff, Morgan Ten Eyck's rights guaranteed by the Fifth Amendment to not be deprived of life and liberty without Due Process of law, including but not limited to the right not to suffer physical harm from persons acting under color of law that is intentionally or wantonly inflicted or which is accomplished with deliberate, reckless, or callous indifference to her constitutional rights. While

acting under color of federal law as a United States Federal Agent, Defendant Neuenfeldt was motivated by evil intent and conduct in which he engaged in by use of excessive force in the pursuit and this conduct showed reckless or callous indifference to her Constitutional rights.

48. Defendant Neuenfeldt, by using such unreasonable force, caused injury and damage to Plaintiff, Morgan Ten Eyck, ultimately causing life threatening injuries.

49. At the time of the June 18, 2017, pursuit, Plaintiff, Morgan Ten Eyck, was not engaged in any assaultive behavior toward Defendant Neuenfeldt or any other persons.

50. The pursuit by Defendant Neuenfeldt was entirely unjustified by any action of Plaintiff, Morgan Ten Eyck, and said pursuit constituted an unreasonable and excessive use of force in violation of Plaintiff's guaranteed rights under the 14<sup>th</sup> Amendment of the United States Constitution, which protects pretrial detainees from punishment.

51. Defendant Neuenfeldt acted specifically with the intent to deprive Plaintiff, Morgan Ten Eyck, of the following rights and privileges guaranteed under the United States Constitution:

1. Freedom from unreasonable seizures, in the form of the use of excessive force;
2. Freedom from deprivation of liberty without Due Process of law;
3. Freedom from punishment prior to conviction for any crime; and
4. Equal protection of the laws.

52. After the pursuit, Plaintiff, Morgan Ten Eyck, suffered life threatening, permanent injuries. Plaintiff suffered severe physical, emotional and psychological damage as a result of the conduct of Defendant Neuenfeldt and the Flandreau Santee Sioux Tribe.

53. Defendant Neuenfeldt and the Flandreau Santee Sioux Tribe subjected Plaintiff, Morgan Ten Eyck to the aforementioned deprivations by either actual malice or deliberate indifference and disregard of Plaintiff's civil rights.

54. As a direct and proximate result of the aforementioned acts of Defendant Neuenfeldt and the Flandreau Santee Sioux Tribe, Plaintiffs, Tom Ten Eyck and Michelle Ten Eyck suffered general damages in the form of conscious pain and suffering, the loss of the value of Morgan Ten Eyck's life, and the loss of aid comfort, love, and society, and for special damages for the loss of economic support and seek compensatory damages against Defendant Neuenfeldt in his individual capacity.

**COUNT III: COMMON LAW ASSAULT AND BATTERY AGAINST  
DEFENDANT NEUENFELDT**

Plaintiffs reallege the information set forth in the paragraphs above and further allege:

55. The actions, set forth above, constitute common law assault and battery.

56. The actions of the Defendants were malicious, reckless, intentional and caused damages to the Plaintiffs.

57. As a direct and proximate result of the aforementioned acts of Defendant Neuenfeldt and the Flandreau Santee Sioux Tribe, Plaintiffs, Tom Ten Eyck and Michelle Ten Eyck suffered general damages in the form of conscious pain and suffering, the loss of the value of Morgan Ten Eyck's life, and the loss of aid comfort, love, and society, and for special damages for the loss of economic support and seek compensatory damages against Defendant Neuenfeldt in his individual capacity.

**COUNT IV: SECOND CLAIM FOR RELIEF FOR SUPERVISORIAL  
RESPONSIBILITY FOR VIOLATIONS OF THE CIVIL RIGHTS UNDER  
COLOR OF LAW (BIVENS ACTION)**

Plaintiffs reallege the information set forth in the paragraphs above and further allege:

58. This claim for relief is brought pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 288, 397, 91 S. Ct. 1999 29 L.Ed.2d 619 (1971), for violation of Plaintiff, Morgan Ten Eyck's rights under the Fourth and Fifth Amendments of the United States Constitution.

59. On and before June 18, 2017, Defendants implemented and maintained customs, policies, and/or practices to encourage the use of excessive force by Defendant Neuenfeldt. Defendant Neuenfeldt intentionally, deliberately, and/or was indifferent to the violation of the constitutional rights of persons in the same situation as and including Plaintiff Morgan Ten Eyck.

60. On June 18, 2017, Defendant participated in, encouraged, fostered, condoned, and ratified the conduct of Defendant Neuenfeldt when Defendant Neuenfeldt used excessive force in the pursuit and injuring Plaintiff

Morgan Ten Eyck, even though Plaintiff was defenseless, had no weapon of any kind, and was not threatening the Defendant or any third party.

61. As a direct and proximate result of Defendants' intentional, deliberate, and/or indifference to the use of excessive force by Defendant Neuenfeldt, Plaintiff Morgan Ten Eyck sustained permanent, life-threatening injuries on June 18, 2017.

62. By consciously and deliberately overlooking the use of excessive force by Defendant Neuenfeldt, the Unknown Supervisory Personnel of the United States established a pattern, custom, and practice of condoning and ratifying such misconduct and criminal activity and established a tolerated pattern of constitutional violations amongst their subordinate officers including Defendant Neuenfeldt. The condoning of misconduct by Defendant Neuenfeldt was so comprehensive and well known that Unknown Supervisory Personnel of the United States was emboldened to blatantly violate the constitutional rights of Plaintiff, Morgan Ten Eyck, and to commit crimes such as the excessive force used in the pursuit.

63. Because of their failure to prevent the continuing constitutional violations by the subordinates and because the establishment of the policies and practices described above as well as their failure to adequately train their subordinates, Unknown Supervisory Personnel of the United States are individually liable for the constitutional violations committed by Defendant Neuenfeldt inclusive and for the injuries to Plaintiff, Morgan Ten Eyck as a result of the June 18, 2017 pursuit.

64. Because of their acts and/or omission in their failure to prevent the continuing constitutional violations by their subordinates and because of their establishment of the policies and practices described above as well as their failure to adequately train their subordinates, Defendant Neuenfeldt is liable for his own independent acts and/or omissions which were a contributing factor in causing the constitutional violations which caused the injuries to Plaintiff, Morgan Ten Eyck as a result of the June 18, 2017 pursuit.

65. Defendant Neuenfeldt's actions were intentional, willful, malicious, egregious, grossly reckless and negligent, and unprovoked.

WHEREFORE, Plaintiff respectfully prays that this Court will:

- a. Award compensatory damages to the Plaintiffs, and against the Defendants, jointly and severally, in the amount of \$150,000,000.
- b. Award punitive damages to Plaintiffs, and against Defendants, jointly and severally.
- c. Award Plaintiffs' costs and attorney's fees, pre-judgment and post judgment interest, all other damages allowed by law, and such other further relief the Court deems just and equitable.

Respectfully submitted this 14<sup>th</sup> day of January, 2019.

BEARDSLEY, JENSEN & LEE, Prof. L.L.C.

By: 

Steven C. Beardsley  
Michael S. Beardsley  
4200 Beach Drive, Suite 3  
P.O. Box 9579  
Rapid City, SD 57709  
Telephone: (605) 721-2800

Facsimile: (605) 721-2801  
Email: sbeards@blackhillslaw.com  
mbeardsley@blackhillslaw.com  
*Attorneys for Plaintiff*

**DEMAND FOR JURY TRIAL**

Pursuant to the provisions of Federal Rule of Civil Procedure 38, as to causes of action against Defendants Neuenfeldt and Unknown Supervisory Personnel of the United States, pursuant to *Bivens* and its progeny, Plaintiffs hereby demand a trial by jury of any issue triable of right by jury.



JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Tom Ten Eyck and Michelle Ten Eyck GUARDIANS of Morgan Ten Eyck

(b) County of Residence of First Listed Plaintiff Moody County, SD  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Steven C. Beardsley, Beardsley Jensen & Lee, Prof. L.L.C.  
P.O. Box 9579  
Rapid City, South Dakota 57709

**DEFENDANTS**

United States of America, Robert Neuenfeld, INDIVIDUALLY, and Unknown Supervisory Personnel of the United States

County of Residence of First Listed Defendant N/A  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1271

Brief description of cause:

Motor vehicle accident - Plaintiff was passenger in vehicle.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ - Amount to be determined by a jury.

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/14/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Steven C. Beardsley

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE